

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

BRIAN SCHUSTER,)	CASE NO. 8:10CV222
)	
Plaintiff,)	
)	
v.)	ORDER
)	
QUANTA INDEMNITY COMPANY and)	
QUANTA SPECIALTY LINES)	
INSURANCE COMPANY,)	
)	
Defendants.)	
)	

This matter is before the Court on Plaintiff Brian Schuster's Motion to Dismiss (Filing No. 16). Defendant Quanta Indemnity Company has indicated to the Court that it does not oppose this motion. Under Federal Rule of Civil Procedure 41(a)(2), the Court finds the motion should be granted and Plaintiff's claims against Defendant Quanta Indemnity Company should be dismissed without prejudice. The parties will bear their own costs and attorney fees.

Accordingly,

IT IS ORDERED:

1. Plaintiff's Motion to Dismiss (Filing No. 16) is granted;
2. All claims asserted by Plaintiff Brian Schuster against Defendant Quanta Indemnity Company are dismissed without prejudice and the Clerk of the Court is directed to remove Quanta Indemnity Company from the case caption;
3. Defendant Quanta Indemnity Company's Motion to Dismiss (Filing No. 13) is denied as moot; and

4. The parties will bear their own costs and attorney fees.

DATED this 9th day of August, 2010.

BY THE COURT:

S/ Laurie Smith Camp
United States District Judge